



U.S. Department of Commerce
National Oceanic and Atmospheric Administration



U.S. Environmental Protection
Agency

Mr. Jim Rue, Director
Department of Land Conservation and Development
635 Capitol St. NE, Suite 150
Salem, Oregon 97301-2540

Mr. Dick Pedersen, Director
Department of Environmental Quality
811 SW 6th Avenue
Portland, Oregon 97204-1390

Commented [CJ1]: Are these the correct addressees? Should this letter go directly to the Governor's Office?

Dear Directors Rue and Pedersen:

Enclosed please find *Options for Oregon to Satisfy its CZARA Requirement to Adopt Additional Management Measures for Forestry* document. As you know, on January 30, 2015, the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) found that Oregon had failed to submit a fully approvable coastal nonpoint program under Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). NOAA and EPA found there were several gaps in Oregon's program related to developing additional management measures for forestry.

The enclosed document provides an overview of some of the options that Oregon could consider in order to satisfy the additional management measures for forestry condition. It is designed as a starting point for further conversations among NOAA, the EPA and relevant state agencies to help achieve this goal. This document describes how Oregon may strengthen and expand its forest management measures within its coastal nonpoint management area in ways that will achieve a healthier, more resilient coastal environment and satisfy CZARA statutory objectives.

Next Steps

As deadlines for negotiating FY 2015 Coastal Zone Management Act Section 306 and Clean Water Act Section 319 funding grow near (the end of April for NOAA's coastal zone management program funding), the federal agencies need a written commitment by [what date?] that Oregon intends to strengthen and expand its forest management measures to achieve a fully approvable coastal nonpoint program and will work with federal agencies to ensure the adequacy of Oregon's agriculture programs and policies for meeting the 6217(g) agriculture management measures.

During this spring, the federal agencies envision a series of conversations with the relevant state agencies. These conversations would lead to the development of a more detailed strategy, complete with interim milestones and expected dates for meeting those milestones that Oregon would provide to NOAA and EPA by fall 2015. The plan would also indicate whether Oregon intends to use a voluntary or regulatory approach (or a combination of both) to meeting the specific additional management measure requirements for riparian protection for small and medium fish-bearing streams and non-fish-bearing streams, management of forestry roads, protection of landslide-prone areas, and the protection of non-fish bearing streams during the aerial application of herbicides. As a kick off for this effort, the federal agencies would like to set up a half day meeting in Portland or Salem, Oregon with relevant state agencies during late April or May. We are already working with staff to arrange but please have your staff contact Jayne Carlin at carlin.jayne@epa.gov or (206) 553-8512 regarding the logistical arrangements.

Commented [AC2]: Do we want to emphasize the urgency?

Commented [CJ3]: Do we want to include a date or a time frame? If so, what is a reasonable date? Does this commitment need to come from the Governor's Office or a specific state agency or agencies? Should we ask for the State to provide a list of staff and managers assigned to this effort?

Commented [WJ4R3]: I think a date is a good idea. I think it needs to come from the Governor's Office, which represents the State of Oregon.

Commented [AC5]: Should be specific related to all 4 issues?

(b)(5)

Deliberative

Commented [AC7]: I don't think we should wait for them to reach out to us after receiving this letter but should be moving forward now to arrange the meeting (aren't we doing that already?)

Additionally EPA and NOAA are setting up a meeting with relevant state agencies during late May or early June in Portland to share information about how Oregon's agricultural program addresses the Oregon Agricultural management measures, discuss concerns raised by the public and learn more about what the state is doing or planning on doing to address these concerns. On December 20, 2013, NOAA and EPA invited public comment on the adequacy of the State's programs and policies for meeting the CZARA 6217(g) agriculture management measures and conditions placed on Oregon's Coastal Nonpoint Program. This meeting will begin an effort for the state and federal agencies to work together to ensure the adequacy of Oregon's agriculture programs and policies for meeting the 6217(g) agriculture management measures and conditions placed on Oregon's Coastal Nonpoint Program, including exploring what actions might be needed in order to address any gaps.

NOAA and EPA recognize the challenges Oregon faces in developing a fully approvable coastal nonpoint program and we are committed to continuing to work with you and your staff to achieve this goal. If you have any questions, please contact Jeff Payne at (846) 740-1207 or Dennis McLerran at (206) 553-1234; or have your staff contact Joelle Gore (NOAA) at (301) 563-1178, or Christine Psyk (EPA) at (206) 553-1906.

Sincerely,

Jeff Payne, Acting Director
Office for Coastal Management
National Oceanic and Atmospheric
Administration

Dennis McLerran, Regional Administrator
Region 10
U.S. Environmental Protection Agency

Enclosure: *Options for Oregon to Satisfy its CZARA Requirement to Adopt Additional Management Measures or Forestry*

cc: Mr. Richard Whitman, Oregon Governor's Office
Mr. Doug Decker, Oregon Department of Forestry
Mr. Peter Daugherty, Oregon Department of Forestry
Ms. Katy Coba, Oregon Department of Agriculture
Ms. Patty Snow, Oregon Department of Land Conservation and Development
Mr. Eugene Foster, Oregon Department of Environmental Quality

(b)(5)
Deliberative

Commented [CJ9]: Any other cc's? NOAA and EPA staff would be included in bcc's.

Commented [CJ10]: If we include agriculture MMs...